

District Court

MAY 18 2006

**ORIGINAL**

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For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

Attorney for Kan Pacific Saipan Ltd., Arenas Enterprises, Inc.; Commonwealth Pacific  
International, Inc.; Full House, Inc.; and Ta Bun Kuy

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SAIPAN HANDICRAFT,

Plaintiff,

vs.

MICRONESIAN WOODCRAFT ENT., INC.  
ET AL.,

Defendants.

Civil Action No. 05-0040

DECLARATION OF RICHARD W.  
PIERCE IN OPPOSITION TO  
PLAINTIFF'S REQUEST FOR AN  
EXPANDED PRELIMINARY  
INJUNCTION and IN SUPPORT OF  
REQUEST FOR ENLARGEMENT OF  
TIME

I, Richard W. Pierce, declare as follows:

1. I am counsel in this matter for Arenas Enterprises, Inc., Pacific  
International, Inc., Full House, Inc., Ta Bun Kuy, and Kan Pacific Saipan, Ltd.

2. Attached hereto are true copies of the following available from the  
internet:

a) Saipan Tribune article dated November 17, 2005, on the Taimanao  
family's historical production of the Bayogo Wishing Doll.

b) Advertisement for coconut wishing dolls.

c) Oscar nomination for "My Wishing Doll."

d) Japanese Embassy guide for daruma wishing doll.

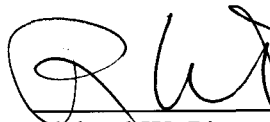
- e) Description of daruma from Center for Japanese Studies.
- f) The Wishing Doll short story.
- g) The Star Shaman Wishing Doll

3. Since receipt of the Court's order scheduling the filing date for oppositions and a hearing, I have worked on this case on short notice in a reasonable manner considering time constraints and other duties. I thought I would be able to file by 3:30 p.m., and I worked diligently on the matter to meet the deadline but did not. I did not have time to obtain declarations from Kan Pacific and Arenas Enterprises, Inc.; however, on information and belief, Kan Pacific sold dolls after this Court's order was presented to them with the cap taken off and the hair cut, as directed by Plaintiff's agent; small, key chain dolls were also sold but have now been discontinued. Also, on information and belief, Arenas Enterprises sold one doll in total and that was to the Plaintiff's agent.

4. I have sent this declaration and the request for enlargement of time to the Plaintiff by email this May 17, 2006 and the two other defense attorneys of which I am aware. I called Plaintiff's attorney to seek his concurrence with the enlargement of time but he was not in his office when I called.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

May 17, 2006, Saipan, CNMI.

  
Richard W. Pierce

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Thursday November 17, 2005 [SUBSCRIBE](#) | [ADVERTISE](#) | [CONTACTS](#) | [ARCHIVES](#) Volume 15 Issue 321

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### Outrage over Bayogo Wishing Dolls claims

Several residents on the sleepy island of Rota recently had a rude awakening when Saipan Handicraft claimed ownership of what they argue is part of their cultural heritage: the Bayogo Wishing Dolls.

Virginia R. Taimanao said she was shocked to receive a letter from attorney F. Matthew Smith, claiming that his clients are creators of the "Bo Jo Bo" Wishing Doll. The letter stated that his clients have "a trademark interest" in the dolls.

Taimanao said that the crafting of the original "mini Bayogo Wishing Doll" was passed down from her father, who reportedly operated a local handicraft shop from the late 1960s until 1994.

She said she could remember helping his father make these dolls as a teenager 31 years ago. The craft was passed down to Merced R. Tainamao, who kept the family tradition until she died in the year 2004.

The doll was first introduced to consumers through the Duty Free in 1976, and they began selling to other shops in the CNMI. The legend was translated into Japanese around this period. Virginia Taimanao said they have receipts and documents dating back to this time; unfortunately due to typhoons they lost some older documents. She, however, said everyone on Rota know that the dolls originated with her family.

Virginia Taimanao alleged that Saipan Handicraft attorney F.M. Smith sent letters to several residents on the island, stating that they are prohibited to manufacture the dolls. The letters also allegedly told shop owners to take the dolls from the shelves and that the dolls are "not authentic."

Virginia Taimanao vowed to continue with the family business and expressed hopes that the Bayogo Wishing Dolls remain a family tradition. When asked how she felt about the allegations that she copied the dolls, she replied, "It's a lie! The individuals who claim to have originated the Bayogo Wishing Dolls are liars!"

According to her, the authentic Bayogo Wishing Dolls originated on Rota, made from Rota bayogo seed and even the name is Chamorro.

"The word bayogo is pronounced 'Bo Jo Go.' There is no 'J' in Chamorro-the letter 'Y' sounds like 'J.' These Filipinos calls their dolls, Bo Jo Bo, but these traditional wishing dolls, by any name, are part of our personal heritage and handed down by my family," she said.

Virginia Taimanao said the people of Rota consider their traditional Bayogo Wishing Doll as much a part of their culture as weaving coconut leaves. "We never discouraged locals from making bayogo seed dolls."

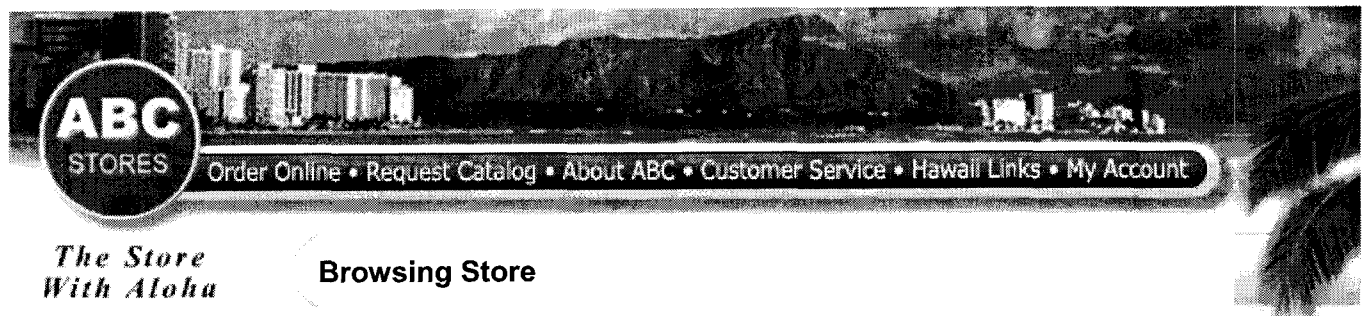
She said they knew some Saipan handicraft shops are making the dolls because they stopped buying Rota's dolls years ago. She added that these makers still go to Rota to buy bayogo seeds.

Virginia Taimanao said seeds are scarce on other islands but they thrive on Rota.

"The thing is, these people profited for years making our mini Bayogo Wishing Dolls-and we never bothered them! Now they want everything for themselves! We are outraged! They have broken the laws of fair trade, but they will never steal our heritage! We will fight!" she said.

Virginia Taimanao vowed that they would continue to manufacture the dolls because these are their dolls, "and having an 'interest in a trademark' is not the same as possessing a trademark. Who are they trying to fool? They will not get away with this!" (PR)

Story by Contributing author  
[Contact this reporter](#)



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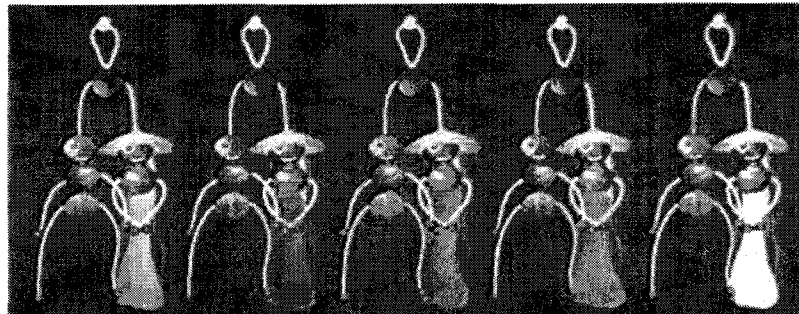
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**Specials**

### Coconut Wishing Dolls

Gifts and Souvenirs / Souvenirs



Item #: WISHING  
**special new!**  
**Your Price: \$11.00**  
**COLOR:**  
YELLOW ☐  
1

Special Sale! New Fun Item!  
Internet and Phone orders only.  
Hawaiian Coconut Wishing Dolls

Experience the magic of the coconut by having your own coconut wishing doll! Its arms can be your source of love and energy, its shell will protect and keep you safe from harm and most of all, hang the wishing doll in a bright and sunny place for good fortune and healthy life.

Measures approximately 9 inches.  
Similar to Hawaiian 'Tiki' statues which symbolize different fortunes.

Yellow represents Happiness  
Green represents Wealth / Prosperity  
Orange represents Strength/Power.  
Pink represents Love / Romance  
White represents Peace

*Sorry, Orange is temporarily not available*

Regular price \$13.99 each (Savings of \$2.00!)

Throughout the centuries the Pacific Islanders have considered the coconut "The Tree of Life" due to its countless use in their daily lives, from its roots to the leaves.

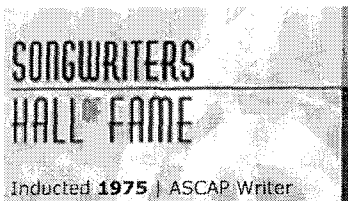
The coconut fruit, their source of food and thirst quencher, the leaves and trunk for shelter and protection from nature, its oil for an energy source.

The coconut is also a source of health products for its anti-aging and therapeutic powers. Its shell has been made into countless fashion and household products as well as air purification systems.

The Coconut Wishing Doll was made popular when a high profile Japanese actor and actress made claims stating that their lives became more successful and romantic with these cute little guys.

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## DISCOGRAPHY

1-14 of 14 Entries

- 1967** Oscar Nomination for Best Song: MY WISHING DOLL from HAWAII  
Golden Laurel Nomination for Best Song: MY WISHING DOLL from HAWAII
- 1966** Golden Laurel Nomination for Best Song: BALLAD OF CAT BALLOU, THE fr  
BALLOU  
Oscar Nomination for Best Song: BALLAD OF CAT BALLOU, THE from CAT
- 1965** Oscar Nomination for Best Song: HUSH...HUSH, SWEET CHARLOTTE from  
SWEET CHARLOTTE  
Golden Laurel Nomination for Best Song: HUSH...HUSH, SWEET CHARLOT  
HUSH...HUSH, SWEET CHARLOTTE
- 1964** Golden Laurel Award for Best Song: IT'S A MAD MAD MAD MAD WORLD fr  
MAD, MAD, MAD, MAD WORLD  
Oscar Nomination for Best Song: IT'S A MAD MAD MAD MAD WORLD from  
MAD, MAD, MAD WORLD
- 1963** Oscar Nomination for Best Song: WALK ON THE WILD SIDE from WALK OI  
SIDE
- 1962** Oscar Nomination for Best Song: BACHELOR IN PARADISE from BACHELO  
PARADISE  
Golden Laurel Nomination for Best Song: BACHELOR IN PARADISE from B  
PARADISE
- 1960** Golden Laurel Nomination for Best Song: HANGING TREE, THE from HANG  
THE  
Oscar Nomination for Best Song: HANGING TREE, THE from HANGING TRI
- 1951** Oscar Nomination for Best Song: BIBBIDI BOBBIDI BOO from CINDERELL

1-14 of 14 Entries

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## Embassy Guide

### JICC Japanese artefacts for loan

Listed below are some of the artefacts that are available for loan from the JICC. It may be possible to borrow further items upon request. Please note that we can only lend to organisations and that in many cases, artefacts must be collected in person from the Embassy. To receive an application form, please send a request letter on headed paper to the JICC.

Item	Japanese name	Description
Abacus	<i>Soroban</i>	
Art work	<i>Kaiga</i>	paintings
Assorted Toy Sets	<i>Furusato no</i>	
	<i>asobi</i>	
	<i>Nihon no gangu</i>	
Bells	<i>Furin</i>	Various designs
Boys' Day Doll Sets	<i>Gogatsu Ningyo</i>	Miniature boxed set
Carp streamers	<i>Koinobori</i>	Large size
CDs		Various traditional, orchestral, & pop
Cotton kimono	<i>Yukata</i>	Children and adults
Cup and ball game	<i>Kendama</i>	Wood
Daruma	<i>Daruma</i>	Wishing doll
Dolls	<i>Ningyo</i>	black kimono
		white kimono
		matsuri (festival)
		bride
		kyoto
Fans	<i>Sensu</i>	Various
Food samples	<i>Fudo sanpuru</i>	Sushi, tempura etc.
Footwear	<i>Geta, zori</i>	Assorted, mainly small
Girls' Day Doll Sets	<i>Hina Ningyo</i>	Miniature boxed set
Hanging scrolls	<i>Kakejiku</i>	Various
Happi coats	<i>Happi</i>	Various sizes & colours
Japanese Dolls	<i>Ningyo</i>	Fragile beauty
Japanese Flag	<i>Kokki</i>	Large and table size
Kimono	<i>Uchikake</i>	Wedding kimono display
Kites	<i>Tako</i>	Various designs
Lantern Sets	<i>Chochin</i>	Miniature, 5 per set

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Men's pleated skirt	<i>Hakama</i>	Traditional clothing
Mochi set and hammer	<i>Mochi tsuki set</i>	For making rice balls
Portable shrine	<i>Mikoshi</i>	Mini display
Samurai armour	<i>Samurai</i>	Mini display
Spinning tops	<i>Koma</i>	Assorted sizes
Storytelling pictures	<i>Kami Shibai</i>	Various stories
Tableware	<i>Shokki</i>	Assorted bowls, chopsticks
Tea ceremony set	<i>Sadou set</i>	Traditional set
Wooden dolls	<i>Kokeshi</i>	Boxed sets

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## TEACHER RESOURCES

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### JAPANKIT FOR LOWER ELEMENTARY

#### **Books, Plays, Magazines, etc.:**

##### Informative Texts:

A to Zen  
Count Your Way Through Japan  
Konnichiwa! I Am a Japanese-American Girl  
Best-loved Children's Songs from Japan  
Blue JapanKit notebook

##### Folktales:

Crow Boy (plus study guide)  
The Peach Boy  
The Moon Princess

##### Videotapes:

Big Bird in Japan

#### **Posters, maps, artwork:**

One painting/engraving of flowers

One poster of girls in kimono:  
Kimono were worn in pre-modern times by the elite, and today they are worn mainly for special occasions. Most people in Japan today do not wear kimono.

Poster of kana (basic Japanese characters):  
Japan has three major scripts. The two basic ones are hiragana and katakana shown here. The third is made up of Chinese characters called kanji.

Poster of cherry blossoms and poem:  
Cherry blossoms are one of the most famous and popular flowers in Japan. In pre-modern times (c. 600-1800) it was common for elites to gather and compose poetry about them. This practice is somewhat

continued today in the practice of hana-mi. Literally flower-viewing, people gather under cherry trees in full bloom and have parties.

**In the Rubbermaid box:**

Carp banner:

These carp banners are flown mainly in the spring, especially around the time of Children's Day on May 5 (also known as Boy's Day as opposed to the Girl's Day on March 3).

Large wooden stacking tower/doll

Miniature emperor and empress dolls:

These two dolls are miniature versions of Hina-Matsuri dolls, or dolls for Girl's Day celebrated on March 3. The dolls generally represent characteristic images of court-life during the Heian Period (c.800-1180 CE). They are ceremonial dolls put on display for the weeks surrounding Girl's Day.

One pair of blue chopsticks in a box

One pair of pink chopsticks in a box

Set of two wooden kokeshi (armless and legless dolls) in paper box:

These dolls are a favorite traditional handicraft of many rural areas of Japan.

Folding fans:

Fans were objects carried by both men and women elites throughout Japanese history. They could be used as ornamentation as well as to keep one cool.

Two small connected wooden geta (sandals), plus a bell

Wooden hand-held toy decorated with a ladybug

Wooden hand-held toy helicopter

One Washi Doll (made from traditional Japanese paper)

**Clothes:**

Brown-purple flowered furoshiki (carrying scarf):

These handkerchiefs are often used to carry things instead of bags. The object is simply placed in the middle, and the four corners tied up around it. It is considered much more aesthetic than using a bag.

Purple furoshiki (carrying scarf)

One pair of small orange geta (sandals)

### **Toys and crafts:**

Red sachet

Decorated ball

One red paper-mache Daruma:

A wishing doll traditionally bought at New Years. Generally, one fills in the left eye, makes a wish, and writes the wish on the bottom of the doll. When the wish comes true, one fills in the eye, and on the next New Year, burns the Daruma. Then one buys another and the process starts all over. The distinctive shape comes from the idealized image of the historical Daruma, the Japanese name for the founder of Zen Buddhism (Bodidharma)

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Center for Japanese Studies

The University of Michigan

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## Sandra S Corona

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# The Wishing Doll (written in 1970)

By [Sandra S Corona](#)

Last edited: Thursday, October 27, 2005

Posted: Saturday, October 08, 2005

An old short story of jealousy.

\*\*\*\*\*

THE WISHING DOLL  
by Sandra S. Corona

One of those violet colored evenings when the rain has taken prisoners, it was only natural that the children should be fighting. Where was the rainbow in the sky?

Two girls--each with only one natural parent left--they played one against the other. Each parent thought the other's child was the "problem child". Lynda, the quiet, withdrawn one, was seven; Robin, the blonde social butterfly, was eleven. They were constantly at odds with one another. Lynda was always "doing things".

Lynda sat down on the carpeted steps knowing that she soon would be sent upstairs to her room . . . again. Robin had started the argument but no one ever seemed to believe that.

Her stepmother hurried from the kitchen, through the hallway and stood tapping her foot at the end of the staircase. "Why are you sitting there? You know better than to break a vase because you can't watch your favorite program on television."

Pouting, lip quivering, Lynda interrupted, "I did not do it!"

"Lying is even worse, young lady." It was hard being a step-parent. "Now go to your room."

Whimpering, Lynda got up and scampered up the stairway to her bedroom at the end of the hall.

Robin's pigtails bobbed up and down as she skipped around the foyer, tired of watching television. In the den, the girls had not been able to agree on one station. Robin had knocked a vase over, told her mom that Lynda had done it and leisurely enjoyed watching her show. It worked every time.

Waltzing into the kitchen, Robin chatted away. "When are we going to get rid of her, mom? She's nothing but trouble."

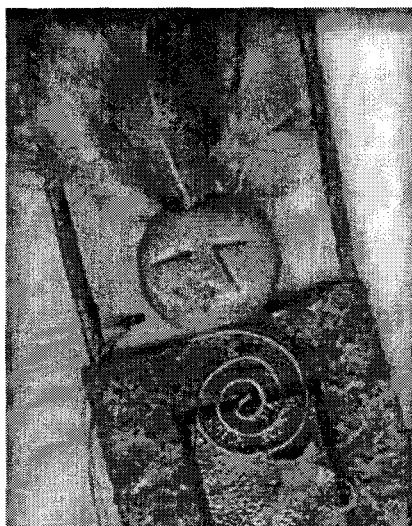
Mother smiled, embraced her only child, "Let's not tease her, sweetheart."





This wonderful wall doll, made of paper, sticks, and polymer clay, does more than just hang around. He can help you make all of your wishes come true - acting as a reminder that you actually have the power to do that.

Versions of our Star Shaman reside all over the world and so far, no one has called to say he has failed his mission. He makes a wonderful gift for any occasion or no occasion, or you can make one for your very own wall.



#### Star Shaman's Card Says:

When you wish upon a star,  
He will show you where you



#### What You Will Need:

**Please note:** This doll is protected by Copyright and may not be made for resale. Permission is granted to make **Star Shamans** for gifts and personal use only.

- 2 matched sticks approx. 14" in length and relatively straight
- Garden clippers and wedge shaped wooden ceramic tool
- 1/8" of a 2oz package of Copper **Sculpey III**
- Craft or popsicle stick
- Feathers
- A 5.5" square of Moonrock or other heavy and pliable handmade paper
- Small sea sponge and gold acrylic craft paint